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May 19, 2009

**VIA HAND DELIVERY**

The Honorable Chairman and Members of the  
Hawaii Public Utilities Commission  
465 King Street, Room 103  
Kekuanaoa Building  
Honolulu, HI 96813

PUBLIC UTILITIES  
COMMISSION

2009 MAY 19 A 9:57

FILED

Re: Docket No. 2008-0273 -- Feed-In Tariff Investigation  
Request for Extension of Time to File Opening Briefs

I have been authorized by my client, the Department of Business, Economic Development, and Tourism of the State of Hawaii (DBEDT), to request an extension of time for the filing of the opening briefs in the above-captioned docket from May 22, 2009 until June 16, 2009.

In its most recent Order amending the schedule for this proceeding filed April 27, 2009, the Commission adjusted the procedural schedule set forth in its January 20, 2009 Order by, among other things, extending the deadline for opening briefs from May 8, 2009 to May 22, 2009. This extension accommodated the expressed desire of the some of the parties as articulated during the panel hearings held the week of April 13, 2009.

In conversations with some parties after the panel hearings, DBEDT has been led to believe that, given more time, substantive progress on the settlement of some issues brought up at the panel hearing could be forthcoming. DBEDT is eager to explore these opportunities and include more parties into the discussions to see just how many issues may be settled before the briefing.

To that end, DBEDT is requesting an extension of the deadline for the opening briefs from May 22, 2009, to June 16, 2009 (three weeks). More than simply forestalling the due date for a lengthy submission to the Commission, DBEDT believes that now is the best time for settlement discussions and this extension will aid in the success of these discussions. The schedule for this docket as it stands now makes no room for settlement negotiations before the filing of the opening briefs. In the aftermath of the interaction with the parties during and after the panel hearings, DBEDT finds real reason to hope for the narrowing of issues and

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commensurate quality of presentation of those issues remaining unsettled for the opening briefs. We feel this is also in the Commission's best interest, given that in three weeks issues may be taken off the table and the parties will have more time to prepare a better, more tightly focused opening brief.

Finally, the Consumer Advocate and the HECO Companies have expressed their position of no opposition to this request. Further, all intervenors in this docket (with the exception at this writing of Mr. Kvam of Zero Emissions LLC who is currently traveling and out of communication) actively support this request. It is with this group that DBEDT believes there is the most possibility of some progress in finding common ground and consolidating positions.

Accordingly, DBEDT respectfully requests that the Commission grant an extension of time from May 22, 2009 until June 16, 2009, for the filing of opening briefs in this docket. We assume that all the other deadlines would move by the same amount of time (approximately three weeks later) to accord the necessary interval between deadlines, but this is of course within the discretion of the Commission.

The foregoing is submitted as good cause for the extension request.

Very truly yours,



Gregg J. Kinkley  
Deputy Attorney General  
Counsel for the Department of Business,  
Economic Development, and Tourism  
State of Hawaii

cc: Service List